

DIVISION OF REAL ESTATE
DEPARTMENT OF COMMERCE
JONATHAN C. STEWART, DIRECTOR
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**Redacted per
expungement
Order**

BEFORE THE UTAH REAL ESTATE COMMISSION

In the Matter of the License of
ANDREW O'FARRELL to Act as a
Sales Agent

STIPULATION & ORDER

Case No. RE-11-57333

The Division of Real Estate of the Department of Commerce of the State of Utah (the Division), by and through its Director of Licensing and Education Mark Fagergren, and Andrew O'Farrell (Respondent), a licensed sales agent, hereby stipulate and agree as follows.

STIPULATION

1. Respondent is a licensee of the Division, licensed as a sales agent holding license number 5830145-SA00.
2. Respondent admits the jurisdiction of the Utah Real Estate Commission (the Commission) over Respondent and over the subject matter of this action.
3. Respondent specifically waives the right to an adjudicative proceeding under Utah Code Ann. § 61-2f-103(1) (2010) and the rules promulgated thereunder. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4) (2008).
4. The Division and Respondent recognize and agree that this stipulation shall not be binding until the Commission and the Director review it and jointly approve it in a public meeting conducted pursuant to Utah Code Ann. § 52-4 *et seq.*

5. Respondent acknowledges that, as part of their review, the Commission and Director may ask the Division investigative staff questions about this stipulation, and the investigative staff may answer such questions and provide factual information in public and on the record.
6. Respondent has the right to be present when the stipulation is presented for consideration and to address the Commission and the Director about this stipulation or the facts underlying it. If Respondent desires to be present to address the Commission and Director, Respondent may contact Renda Christensen at the Division by calling (801) 530-6750 for information about the date, time, and place of the meeting at which this stipulation will be presented for consideration to the Commission and the Director.
7. If either the Commission or the Director does not approve any part of the stipulated agreement proposed herein, this entire stipulation shall be null and void except as to Paragraph 8, and a hearing shall be scheduled for this matter.
8. Should this stipulation be nullified and the matter proceed to hearing, Respondent waives any claim Respondent may have with regard to the Commission and Director by virtue of their:
 - a. having reviewed this stipulation;
 - b. having heard any statement made by investigative staff or any statement made by Respondent; and
 - c. having decided the stipulation shall be null and void.

This waiver shall survive any nullification of this stipulation.

9. Respondent acknowledges that upon approval by the Commission and the Director, this stipulation shall be made a part of the attached final order, and shall be the final compromise and settlement of this matter, and is not subject to reconsideration,

renegotiation, modification, appeal, or rehearing.

10. Respondent affirms that Respondent enters into this stipulation voluntarily.
11. Respondent affirms that the only promises, agreements, or understandings the Respondent has obtained from the Division or from any member, officer, agent, or representative of the Division regarding this stipulation are contained herein.
12. Respondent acknowledges that Respondent has been informed of Respondent's right to be represented by legal counsel and that if Respondent has waived this right, Respondent has either sought the advice of an attorney or has voluntarily chosen not to do so.

13. [REDACTED]

14. [REDACTED]

15. As full settlement of all of the issues raised in this stipulation, Respondent agrees as follows:

- a) Respondent shall pay a civil penalty of \$250 to the Division within 30 days of the date on which this stipulated order is approved by the Commission.
- b) If Respondent fails to comply in full with the terms of this stipulated order by the deadline stated, Respondent's license shall immediately and without further notice

be suspended pursuant to Utah Code Ann. § 61-2f-404(1)(b) (2010) until such time as Respondent complies in full with the terms of this order.

16. This document and all other documents incorporated herein by reference constitute the entire agreement between the parties herein. This stipulated agreement supersedes and cancels any and all prior negotiations, representations, understandings, or agreements between the parties. There are no verbal agreements that modify, interpret, construe, or affect this agreement.
17. Respondent acknowledges that this stipulation does not foreclose the possibility that Respondent may be prosecuted criminally or investigated by other government agencies on the basis of the facts herein admitted.
18. Respondent acknowledges that this stipulation and order, once adopted, will be classified as a public document and will be provided to the public. Respondent acknowledges that the Division may inform other state and federal agencies of any action taken on the Respondent's license and the terms of this stipulation and order.

Dated this 8 day of November, 2011.



ANDREW O'FARRELL
RESPONDENT

Dated this 8th day of November, 2011.



MARK FAGERGREN
DIRECTOR OF LICENSING & EDUCATION
DIVISION OF REAL ESTATE

ORDER

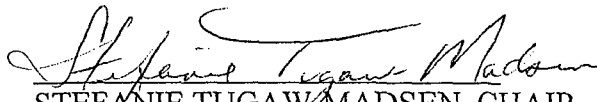
The Commission and the Director approve and adopt the foregoing stipulation of the parties. Based upon the foregoing stipulation and for good cause appearing, the Commission and the Director order that, in lieu of the filing of a complaint and the holding of a hearing:

1. Respondent shall pay a civil penalty of \$250 to the Division within 30 days of the date on which this stipulated order is approved by the Commission.
2. If Respondent fails to comply in full with the terms of this stipulated order by the deadline stated, Respondent's license shall immediately and without further notice be suspended pursuant to Utah Code Ann. § 61-2f-404(1)(b) (2010) until such time as Respondent complies in full with the terms of this order.

This order shall be effective on the signature date below.


Dated this 16th day of November, 2011.

UTAH REAL ESTATE COMMISSION


STEFANIE TUGAW-MADSEN, CHAIR


H. THAYNE HOUSTON, VICE CHAIR


GARY R. HANCOCK


H. BLAINE WALKER


KAY R. ASHTON

The undersigned concurs with the foregoing order this 16 day of NOVEMBER, 2011.


JONATHAN C. STEWART, DIRECTOR
DIVISION OF REAL ESTATE